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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

State of Wyoming,

Petitioner,

vs.

United States Department of the Interior, et al.,

Respondents.

Case No. 2:09-cv-00262-ABJ

NATIONAL PARKS CONSERVATION
ASSOCIATION'S MOTION TO
INTERVENE

Pursuant to Federal Rule of Civil Procedure 24 and the Local Rules of this Court, the National Parks Conservation Association (“NPCA”) by and through counsel, respectfully moves to intervene as a defendant.

This action, of course, is the latest in a long series of cases in both this Court and the U.S. District Court for the District of Columbia (the “DC Court”) relating to winter use regulations applicable to Yellowstone National Park (“Yellowstone”), Grand Teton National Park and the John D. Rockefeller, Jr. Memorial Parkway. NPCA has been a party to actions in both courts, recently as a petitioner in the DC Court challenging the 2007 Winter Use Plan and as an intervenor in this Court. On September 15, 2008, the DC Court entered an order vacating the National Park Service’s (“NPS”) 2007 Winter Use Plan for those parks (“2007 Rule”). The DC Court held that the Rule was “arbitrary and capricious, unsupported by the record, and contrary to law.” *See Greater Yellowstone Coalition v. Kempthorne*, 577 F. Supp. 2d 183 (D.D.C. 2008) (the “DC Court Decision”). That Court remanded to the NPS for further actions consistent with that decision. *Id.* at 210.

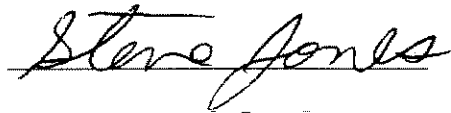
On November 20, 2009, the NPS adopted a new interim rule (the “2009 Rule”) for the 2009-2010 and 2010-2011 winter seasons while the NPS works on a permanent rule. The new interim rule would permit 318 snowmobiles per day at Yellowstone. The 2009 Interim Rule will replace the rule adopted by the NPS on December 9, 2008 pursuant to this Court’s Order of November 7, 2008. *See* Order Implementing Temporary Remedy and Granting Motion to Intervene (“November 2008 Order”), at 11, 21, *State of Wyoming, et al. v. U.S. Dep’t of the Interior, et al.*, Case Nos. 2:07-cv-00319-CAB and 2:08-cv-00004-CAB.

On November 20, 2009, the instant action was filed challenging the 2009 Rule. The petition for review asserts that the 2009 Rule violates the November 2008 Order. *See* Petition for Review of Final Agency Action, at 5. The NPCA has appealed that Order, which appeal is awaiting decision at this time. The State of Wyoming also asserts that the 2009 Rule is arbitrary and capricious and violates applicable statutes. It is the NPCA's position, however, that the 2009 Rule is a first step in the NPS's compliance with the September 15, 2008 Order of the U.S. District Court for the District of Columbia, entered in actions in which NPCA was a plaintiff.

NPCA accordingly seeks to intervene in these actions as a defendant to rebut the assertions the State of Wyoming.

NPCA respectfully refers the Court to the accompanying memorandum of points and authorities in support of this motion.

Respectfully submitted,



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Dated: November 24, 2009

¹ A motion for *pro hac vice* status of Mr. Rosenbaum is being filed contemporaneously with the instant motion.

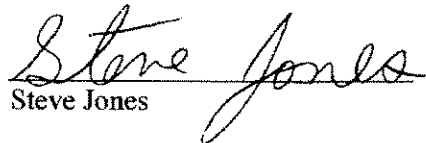
CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of November 2009, I served a true and correct copy of the National Parks Conservation Association's Motion to Intervene by email on the following counsel:

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[PROPOSED FORM OF] ORDER

National Parks Conservation Association's Motion to Intervene is hereby GRANTED.

Judge, U.S. District Court